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PATENT APPLICATION

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of

Docket No: Q53164

Hisanori NAKAJIMA, et al.

Appln. No.: 09/240,695

Group Art Unit: 2176

Confirmation No.: 7689

Examiner: Maikhanh NGUYEN

Filed: February 2, 1999

For: METHOD AND APPARATUS FOR PREVIEWING PRINT DATA AND RECORDING
MEDIA THEREOF

SUBMISSION OF APPEAL BRIEF

MAIL STOP APPEAL BRIEF - PATENTS


Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith please find an Appeal Brief. A check for the statutory fee of \$500.00 is attached. The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this paper is attached.

Respectfully submitted,

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Date: April 24, 2006



PATENT APPLICATION

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APPEAL BRIEF UNDER 37 C.F.R. § 41.37

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In accordance with the provisions of 37 C.F.R. § 41.37, Appellant submits the following:

Table of Contents

I.	REAL PARTY IN INTEREST.....	2
II.	RELATED APPEALS AND INTERFERENCES	3
III.	STATUS OF CLAIMS	4
IV.	STATUS OF AMENDMENTS.....	5
V.	SUMMARY OF THE CLAIMED SUBJECT MATTER	6
VI.	GROUND OF REJECTION TO BE REVIEWED ON APPEAL	11
VII.	ARGUMENT.....	12
	CLAIMS APPENDIX	17
	EVIDENCE APPENDIX:	25
	RELATED PROCEEDINGS APPENDIX.....	26

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I. REAL PARTY IN INTEREST

The real party in interest is SEIKO EPSON CORPORATION by virtue of an assignment executed by Hisanori NAKAJIMA, Ian CLARKE and Masahiro HIROSE (hereinafter “Appellants”) on March 9, 1999 and recorded in the U.S. Patent and Trademark Office on April 5, 1999 at reel 9867 and frame 0743.

II. RELATED APPEALS AND INTERFERENCES

Upon information and belief, there are no other prior or pending appeals, interferences or judicial proceedings known to Appellants' Representative or the Assignee that may be related to, be directly affected by, or have a bearing on the Board's decision in the Appeal.

III. STATUS OF CLAIMS

Claims 1-17 are pending and are the basis of this Appeal.

Claims 1-17 stand rejected. See Claims Appendix for listing of claims.

IV. STATUS OF AMENDMENTS

Appellants amended claims 3 and 13 subsequent to the September 29, 2005 Final Office Action. In the January 24, 2006 Advisory Action, the Examiner indicated that the amendments would be entered for purposes of appeal. Accordingly, all amendments, which have been made during prosecution of the present application, have been entered, and are reflected in the attached Claims Appendix.

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

The present invention is directed to a metallic carrier for a catalytic converter. The features of independent claim 1 are described herein in reference to non-limiting embodiments of Appellants' specification.

Claim 1 - Claim 1 recites a method for previewing a print data. The print data, which can be printed by a printing device 2, is obtained and spooled into a predetermined memory (pg. 5, lines 20-34 of present Application). The spooled print data is then converted into display data of a predetermined structure, and displayed on a displaying device 4 (pg. 5, line 34 to pg. 6, line 5). The display data which is being displayed is then edited on the basis of an edit instruction data which is input at the display (pg. 6, lines 7-11). The edited display data is then inversely converted into a structure of the spooled print data (pg. 8, line 35 to pg. 9, line 2). Claim 1 further recites that the display data contains template data that is subjected to the editing, and at least a type and a position of the template data are capable of being edited via the editing (pg. 6, lines 9-14).

Claim 3 recites a method for previewing a print data. The print data, which can be printed by a printing device 2, is obtained and spooled into a predetermined memory (pg. 5, lines 20-34 of present Application). The spooled print data is then converted into display data of a predetermined structure, and displayed on a displaying device 4 (pg. 5, line 34 to pg. 6, line 5). The display data which is being displayed, is then edited on the basis of an edit instruction data

which is input at the display (pg. 6, lines 7-11). When the print data consists of actual print information based on a print request and added-value information which is posteriorly added, the editing of the display data uses only the added-value information which is being displayed, as an edited object (pg. 6, lines 7-16). The edited display data is then inversely converted into a structure of the spooled print data (pg. 8, line 35 to pg. 9, line 2). Further, the added-value information includes at least template data (pg. 6, lines 9-14).

Claim 7 recites a previewing device for previewing a print data. The previewing device 10 comprises a spooling means 12 for spooling print data which can be printed by a printing device 2, a data converting means 14 for converting the spooled print data into display data of a predetermined structure, and a display controlling means 1 for displaying the converted display data on a displaying device 4 (Figures 1 and 2; pg. 5, lines 2-23). The previewing device 10 further comprises a data editing means 15 for editing the display data which is being displayed, on the basis of edited data which is input at the display, a data inversely converting means 16 for inversely converting the edited display data into a structure of the spooled print data, and an editing means for editing visually a print data based on a print request (Figures 1-3 and 9; pg. 8, line 12 to pg. 9, line 8). Further, the display data contains template data that is subjected to the editing, and at least a type and a position of the template data are capable of being edited via the editing (pg. 6, lines 9-14).

Claim 10 recites a computer-readable medium on which program codes are recorded, where the program codes are read and executed by a computer device, the computer device being connected to a printing device 2, and having input means 5 for a data entry and a displaying device (pg. 5, lines 2-17). The program codes cause the computer device to perform the following processes (pg. 5, line 18 to pg. 6, line 16 and pg. 8, line 35 to pg. 9, line 2): (1) a spool process of spooling print data which can be printed by said printing device; (2) a data conversion process of converting the spooled print data into display data of a predetermined structure, (3) a display control process of displaying the converted display data on said displaying device; (4) a data edition process of editing the display data which is being displayed, on the basis of edited data which is input at the display of said displaying device, through said input means; and (5) data inverse conversion process for inversely converting the edited display data into a structure of the spooled print data. Further, the display data contains template data that is subjected to the editing, and at least a type and a position of the template data are capable of being edited via the editing (pg. 6, lines 9-14).

Claim 11 recites a computer-readable medium on which program codes are recorded, where the program codes are read and executed by a computer device, the computer device being connected to a printing device 2, and having input means 5 for a data entry and a displaying device (pg. 5, lines 2-17). The program codes cause the computer device to perform the following processes (pg. 5, line 18 to pg. 6, line 16 and pg. 8, line 35 to pg. 9, line 2): (1) a spool

process of spooling print data which can be printed by said printing device; (2) a data conversion process of converting the spooled print data into display data of a predetermined structure, (3) a display control process of displaying the converted display data on said displaying device; (4) a data edition process of editing the display data which is being displayed, on the basis of edited data which is input at the display of said displaying device, through said input means; wherein said data edit process is a process of detecting an object added to the print data and editing contents of the object on the basis of an instruction; and (5) data inverse conversion process for inversely converting the edited display data into a structure of the spooled print data.

Claim 13 recites a computer-readable medium on which program codes are recorded, where the program codes are read and executed by a computer device, the computer device being connected to a printing device 2, and having input means 5 for a data entry and a displaying device (pg. 5, lines 2-17). The program codes cause the computer device to perform the following processes(pg. 5, line 18 to pg. 6, line 16 and pg. 8, line 35 to pg. 9, line 2): (1) a spool process of spooling print data which can be printed by said printing device; (2) a data conversion process of converting the spooled print data into display data of a predetermined structure, (3) a display control process of displaying the converted display data on said displaying device; (4) a data edition process of editing the display data which is being displayed, on the basis of edited data which is input at the display of said displaying device, through said input means; and (5) data inverse conversion process for inversely converting the edited display data into a structure

of the spooled print data. Further, when the print data consists of actual print information based on a print request and added-value information which is posteriorly added, the data edition process uses only the added-value information which is being displayed, as an edition object (pg. 6, lines 7-16). Further, the added-value information includes at least template data (pg. 6, lines 9-14).

Claim 17 recites a method for previewing a print data. Print data, which can be printed by a printing device 2 is obtained and spooled into a predetermined memory (pg. 5, lines 20-34 of present Application). The spooled print data is converted into display data of a predetermined structure, and displayed on a displaying device 4 (pg. 5, line 34 to pg. 6, line 5). The display data which is being displayed according to the user's input is then edited and the edited display data is displayed (pg. 6, lines 7-11). The edited display data is then inversely converted into a structure of the spooled print data (pg. 8, line 35 to pg. 9, line 2). Further, the display data contains template data that is subjected to the editing, and at least a type and a position of the template data are capable of being edited via the editing (pg. 6, lines 9-14).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

A. Claims 1-17 stand rejected under 35 U.S.C. § 103 (a), as allegedly being unpatentable in view of U.S. Patent No. 5,671,345 to Lhotak (“Lhotak”) and JP 09-198217 to Tokiwa (“Tokiwa”).

VII. ARGUMENT

Claims 1-17 have been examined and have been rejected in view of *Lhotak* (U.S. Patent No. 5,671,345) and *Tokiwa* (JP 09-198217).

A. Claim 1

Claim 1 recites that the display data includes template data which is subjected to the editing. Further, at least a type and a position of the template are capable of being edited.

Appellants submit that the cited references fail to teach or suggest the above features.

As discussed in the July 13, 2005 Amendment, *Lhotak* discloses a method and system for intercepting low level device dependent information from a graphics management interpreter for reconstructing the low level device dependent information into high level object oriented data for each object on a given page, while the *Tokiwa* reference is merely directed to color correction. Thus, even if combined, Appellants submit that *Lhotak* and *Tokiwa* fail to teach or suggest the features recited above.

In response to the argument that *Lhotak* and *Tokiwa* fail to teach or suggest that the display data contains template data that is subjected to editing, and that at least a type and position of the template data are capable of being edited via the editing, as recited in claim 1, the Examiner maintained that paragraph [0036] of *Tokiwa* discloses the claimed template data (pg. 3 of September 29, 2005 Office Action). Based on the Examiner's comments, Appellants noted that it appears the Examiner maintains that the actual PDL interpreter 14 or the PDL format of *Tokiwa* discloses the claimed template data (pg. 10 of December 29, 2005 Amendment).

However, the PDL interpreter 14 transforms data into a data format of the equipment from the PDL format. Neither the PDL interpreter 14 nor the actual PDL format teach or suggest a type of “template,” where at least a type and position of the template will be edited. Based on the Examiner’s rejection, Appellants indicated that they are unsure as to what type of definition the Examiner is providing for the term “template” (pg. 10 of December 29, 2005 Amendment). Therefore, Appellants referred the Examiner to the non-limiting embodiments in Figures 5(a) and 5(b) of the present Application, where examples of a *template* are shown as the watermarks “confidential” and “draft.”

Further, in the September 29, 2005 Office Action, the Examiner maintains that Tokiwa discloses the claimed inverse conversion of edited display data into a structure of spooled print data. In rejecting such recitation, the Examiner maintains that Tokiwa’s disclosure of converting data from the RGB color to the original CMYK color discloses the claimed inverse conversion (pg. 3 of Office Action). Based on such rejection, and in view of the claim language of claim 1, it would appear that the Examiner maintains that the RGB color data discloses the *display data*, while the CMYK color data discloses the *spooled print data*.

Based on the foregoing, Appellants indicated that for the Examiner’s rejection, in view of Tokiwa, to be consistent, the claimed template data would have to be contained within the RGB color data (i.e., alleged display data) of Tokiwa since claim 1 specifically recites that the display data “contains” the template data (pg. 11 of December 29, 2005 Amendment). As set forth above, however, the Examiner maintains that the PDL interpreter 14 discloses the template data.

Therefore, the Examiner's various allocation of the claimed features to the teachings of Tokiwa is entirely inconsistent.

Since Lhotak fails to cure the deficient teachings of Tokiwa, Appellants submit that claim 1 is patentable over the cited references.

B. Claims 7, 10 and 17

Since claims 7, 10 and 17 disclose features that are analogous to the features discussed above for claim 1, Appellants submit that such claims are patentable for at least analogous reasons as claim 1.

C. Claims 2, 8, 9 and 12

Since claims 2, 8, 9 and 12 are dependent upon one of claims 1, 7 or 10, Appellants submit that such claims are patentable at least by virtue of their dependency.

D. Claims 3 and 13

Claims 3 and 13 recite that the added-value information includes at least template data. Accordingly, Appellants submit that claims 3 and 13 are patentable for at least analogous reasons as set forth above for claim 1.

E. Claims 4, 5, 6, 14, 15 and 16

Since claims 4, 5, 6, 14, 15 and 16 are dependent upon one of claims 3 or 13, Appellants submit that such claims are patentable at least by virtue of their dependency.

F. Claim 11

Claim 11 recites, “wherein said data edit process is a process *of detecting an object added* to the print data and editing contents of the object on the basis of an instruction”

In the April 13, 2005 Office Action, the Examiner cites to Tokiwa at page 10, paragraph [0038], to provide the above recited feature. As set forth in the July 13, 2005 Amendment, Tokiwa at page 10, paragraph [0038], teaches different color correction methods. Specifically, Tokiwa teaches that a user selects the object to be color corrected, and selects the color correction scheme or method (pages 7-8, paragraph [0034]; page 10, paragraph [0038]). Thus, Appellants argued that Tokiwa fails to teach or suggest the feature of, “detecting an object added to the print data,” as recited in claim 11 (pg. 13 July 13, 2005 Amendment).

In response to the above argument, the Examiner again referred to paragraph [0038] of Tokiwa and maintained that such paragraph discloses the claimed detection (September 29, 2005 Office Action). However, as set forth in the December 29, 2005 Amendment, Appellants noted that at least based on the computer translated version of paragraph [0038], the only “detection” performed in Tokiwa is the detection that a color correction was input in step S108. Such input is the initial instruction or request to correct the color. Claim 11 does not recite that the “instruction” to edit an added object is detected (as in step S108 of Tokiwa). Rather, claim 11 recites that the actual *added object* itself is detected. Such detection is performed independent of the editing of contents of the object on the basis of an instruction. Since Lhotak fails to cure this

APPEAL BRIEF UNDER 37 C.F.R. § 41.37
U.S. Application No.: 09/240,695


Attorney Docket No.: Q53164

deficient teaching of Tokiwa, Appellants submit that claim 11 is patentable over the cited references.

Unless a check is submitted herewith for the fee required under 37 C.F.R. §41.37(a) and 1.17(c), please charge said fee to Deposit Account No. 19-4880.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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23373

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Date: April 24, 2006

CLAIMS APPENDIX

CLAIMS 1-17 ON APPEAL:

1. (rejected) A method for previewing a print data, comprising the steps of:
obtaining print data which can be printed by a printing device, and spooling the print data into a predetermined memory;
converting the spooled print data into display data of a predetermined structure, and displaying the display data on a displaying device;
editing the display data which is being displayed, on the basis of an edit instruction data which is input at the display; and
inversely converting the edited display data into a structure of the spooled print data, wherein, the display data contains template data that is subjected to the editing, and at least a type and a position of the template data are capable of being edited via the editing.
2. (rejected) A previewing method according to claim 1, wherein said step of editing the display data includes a process of correcting color components contained in the display data which is being displayed.
3. (rejected) A method for previewing a print data, comprising the steps of:
obtaining print data which can be printed by a printing device, and spooling the print data into a predetermined memory;

converting the spooled print data into display data of a predetermined structure, and displaying the display data on a displaying device;

editing the display data which is being displayed, on the basis of an edit instruction data which is input at the display;

wherein, when the print data consists of actual print information based on a print request and added-value information which is posteriorly added, said step of editing the display data uses only the added-value information which is being displayed, as an edited object; and

inversely converting the edited display data into a structure of the spooled print data, wherein the added-value information includes at least template data.

4. (rejected) A previewing method according to claim 3, wherein, the added-value information is template data which can be overlapping printed onto plural allocated pages, said allocated pages being allocated to one print sheet, and, when a position of the template data in one of the allocated pages is changed, the position change is reflected on the other allocated pages.

5. (rejected) A previewing method according to claim 4, wherein movement of the position of the template data in one of the allocated pages is interlocked with movement of the position of the template data in the other allocated pages.

6. (rejected) A previewing method according to claim 3, wherein, the added-value information is template data which can be overlapping printed onto plural allocated pages, said allocated pages being allocated to one print sheet, and the position of the template data in one of the allocated pages is varied, depending on whether the page is an odd page or an even page.

7. (rejected) A previewing device for previewing a print data, comprising:

spooling means for spooling print data which can be printed by a printing device;

data converting means for converting the spooled print data into display data of a predetermined structure;

display controlling means for displaying the converted display data on a displaying device;

data editing means for editing the display data which is being displayed, on the basis of edited data which is input at the display; and

data inversely converting means for inversely converting the edited display data into a structure of the spooled print data, and

editing means for editing visually a print data based on a print request, wherein said editing means is performed immediately before printing,

wherein, the display data contains template data that is subjected to the editing, and at least a type and a position of the template data are capable of being edited via the editing.

8. (rejected) A previewing device according to claim 7, wherein said data editing means

includes object detecting means for detecting an object of a region which is designated in the display data which is being displayed, and object editing means for editing contents of the detected object on the basis of an instruction, and said data editing means edits the display data in the unit of object.

9. (rejected) A previewing device according to claim 7, wherein said data editing means edits display data which are spooled and converted in a predetermined time period.

10. (rejected) A computer-readable medium on which program codes are recorded, wherefore said program codes are read and executed by a computer device, being connected to a printing device, having input means for a data entry and a displaying device, with causing said computer device to perform the following processes:

- (1) a spool process of spooling print data which can be printed by said printing device;
- (2) a data conversion process of converting the spooled print data into display data of a predetermined structure,
- (3) a display control process of displaying the converted display data on said displaying device;
- (4) a data edition process of editing the display data which is being displayed, on the basis of edited data which is input at the display of said displaying device, through said input means; and

(5) data inverse conversion process for inversely converting the edited display data into a structure of the spooled print data,

wherein, the display data contains template data that is subjected to the editing, and at least a type and a position of the template data are capable of being edited via the editing.

11. (rejected) A computer-readable medium on which program codes are recorded, wherefore said program codes are read and executed by a computer device, being connected to a printing device, having input means for a data entry and a displaying device, with causing said computer device to perform the following processes:

(1) a spool process of spooling print data which can be printed by said printing device;

(2) a data conversion process of converting the spooled print data into display data of a predetermined structure,

(3) a display control process of displaying the converted display data on said displaying device;

(4) a data edition process of editing the display data which is being displayed, on the basis of edited data which is input at the display of said displaying device, through said input means;

wherein said data edit process is a process of detecting an object added to the print data and editing contents of the object on the basis of an instruction; and

(5) data inverse conversion process for inversely converting the edited display data into a structure of the spooled print data.

12. (rejected) The computer readable medium according to claim 10, wherein said data edition process includes a process of correcting color components contained in the display data which is being displayed.

13. (rejected) A computer-readable medium on which program codes are recorded, wherefore said program codes are read and executed by a computer device, being connected to a printing device, having input means for a data entry and a displaying device, with causing said computer device to perform the following processes:

- (1) a spool process of spooling print data which can be printed by said printing device;
- (2) a data conversion process of converting the spooled print data into display data of a predetermined structure,
- (3) a display control process of displaying the converted display data on said displaying device;
- (4) a data edition process of editing the display data which is being displayed, on the basis of edited data which is input at the display of said displaying device, through said input means;

wherein, when the print data consists of actual print information based on a print request and added-value information which is posteriorly added, said data edition process uses only the added-value information which is being displayed, as an edition object; and

(5) data inverse conversion process for inversely converting the edited display data into a structure of the spooled print data,

wherein the added-value information includes at least template data.

14. (rejected) The computer readable medium according to claim 13, wherein, the added-value information is template data which can be overlapping printed onto plural allocated pages, said allocated pages being allocated to one print sheet, and, when a position of the template data in one of the allocated pages is changed, the position change is reflected on the other allocated pages.

15. (rejected) The computer readable medium according to claim 14, wherein movement of the position of the template data in one of the allocated pages is interlocked with movement of the position of the template data in the other allocated pages.

16. (rejected) The computer readable medium according to claim 13, wherein, the added-value information is template data which can be overlapping printed onto plural allocated pages, said allocated pages being allocated to one print sheet, and the position of the template data in one of the allocated pages is varied depending on whether the page is an odd page or an even page.

17. (rejected) A method for previewing a print data, comprising:

obtaining print data which can be printed by a printing device, and spooling the print data into a predetermined memory;

converting the spooled print data into display data of a predetermined structure, and displaying the display data on a displaying device;

editing the display data which is being displayed according to the user's input;

displaying the edited display data; and

inversely converting the edited display data into a structure of the spooled print data,

wherein, the display data contains template data that is subjected to the editing, and at least a type and a position of the template data are capable of being edited via the editing.

APPEAL BRIEF UNDER 37 C.F.R. § 41.37
U.S. Application No.: 09/240,695

Attorney Docket No.: Q53164

EVIDENCE APPENDIX:

None

APPEAL BRIEF UNDER 37 C.F.R. § 41.37
U.S. Application No.: 09/240,695

Attorney Docket No.: Q53164

RELATED PROCEEDINGS APPENDIX

None